IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 21019 of 2004

Between:

Nukala Seshaiah, S/o. Viswanadham, Hindu,
Venkatagiri Grampanchayat, R/o.D.No. 17-59, Mulasali Street,
Venkatagiri, Nellore District.

... PETITIONER

AND

1 The State nof Andhra Pradesh, Rep by its Secretary to Government,
Panchayat Raj and Rural Development, Secretariat Buildings, Hyderabad.
2 The District Collector, Nellore District.
3 The Sarpanch, Venkatagiri Grampanchayat,
Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the inaction of the respondents 1 and 2 herein in not taking any steps to declare the Requisition Meeting held on 5-11-2004 as null and void and further in not cancelling the resolution number 48 dt. 5-11-2004 of Venkatagiri Grampanchayat, as the same is not legally passed as highly illegal, arbitrary and to forthwith cancel the resolution number 48

dt. 5-11-2004 of Venkatagiri Grampanchayat, Nellore District.

Counsel for the Petitioner: MRS.S.NANDA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

ORDER:

Petitioner - 11th ward member of the Venkatagiri Grampanchayat, who said to have made a representation on
06-11-2004 seeking cancellation of Resolution No.48 dated
05-11-2004 passed by the Venkatagiri Grampanchayat filed the present writ petition complaining that no action has been taken on the said representation and to declare the said meeting held on 05-11-2004 as null and void.

2. As seen from the resolution passed by the Venkatagiri Grampanchayat, which is annexed along with the writ petition, a requisition for convening the meeting of the Grampanchayat was made in writing on 26-10-2004 to convene the meeting on
05-11-2004. As the Secretary of the Grampanchayat failed to convene the meeting, the members who have given requisition convened the meeting and passed resolution on the said date and submitted the same to the District Collector and all the concerned. Under Rule 4 of the A.P. Panchayat Raj Rules issued in G.O.Ms.No.227, Panchayat Raj and Rural Development and Relief (Panchayats II) Dept, dated 13-04-1995, the Sarpanch of the Gram Panchayat shall, on the requisition in writing of not less than one-third of the members thereon, the Gram Panchayat, convene a meeting of the Gram Panchayat, provided that requisition satisfied the period within which and the purpose for which the meeting is to be held. The requisition shall be given at least three clear days before the day of the meeting.

3. In view of the same, the District Collector, to whom the resolution was forwarded has to consider whether the resolution is in accordance with the Rules or not and communicate his decision to the petitioner.

The writ petition is accordingly disposed of.

_____

A. **GOPAL REDDY, J**

November 17, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Secretary to Government, State of Andhra Pradesh,
Panchayat Raj and Rural Development, Secretariat Buildings, Hyderabad.
2 The District Collector, Nellore District.
3 The Sarpanch, Venkatagiri Grampanchayat,
Nellore District.

4 Two C.C. s to the G.P. for Panchayat Raj and Rural Development, High Court

Buildings, Hyderabad (OUT)